

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 285. LODGING ESTABLISHMENTS

Description of major operational changes in red.

(Note: This document does not include all changes to the Chapter, please see full set of rules for all changes)

310:285-1-1.1. Scope

The rules in this chapter shall apply only to guest rooms and any supporting facilities. It is not the intent of this chapter to license or regulate:

- (1) Living quarters where permanent residents reside; or
 - (2) Establishments which require the rental of the entire establishment and grounds.
- Rental of the entire house in an Air B&B fashion is not regulated.

310:285-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Cabin" means a single structure where sleeping accommodations are furnished to the transient, traveling, or vacationing public. A group of less than four (4) cabins, at the same location and under the same ownership shall be exempt from this chapter.

- A group of cabins (4 or more) at one location/premise with the same owner would be licensed as a lodging facility.

"Guest room" means any room in a lodging establishment which is offered for occupancy on a daily basis or for a period of less than thirty (30) days.

- Guests need change rooms at least every 30 days. Separates out "long term stays" from "short term apartment".
- Allows owner to clean, service, and survey the room.

"Infestation" means the presence of vermin, which includes but is not limited to bed bugs, cockroaches, or rodents, which is indicated by observation of living or dead vermin or vermin carapace, eggs or egg casings, or the typical brownish or blood spotting on linens, mattresses, or furniture, or the presence of vermin droppings.

- Clarifies definition for inspectors and owners.

"Kitchenette" means a room or area within a single guest room of a lodging establishment that has the following amenities:

- (A) A kitchen sink supplied with hot and cold potable water;
- (B) Properly vented cooking facilities such as a microwave oven, convection oven, or stove;
- (C) An easily cleanable, non-porous counter for food preparation;
- (D) A refrigerator capable of holding 41°F or less; and
- (E) A cupboard or other kitchen cabinetry.

- Standardizing the kitchenette's requirements.

"Variance" means a written document issued by the Department that authorizes a modification or waiver of one or more requirements of this Chapter, if, in the opinion of the regulatory authority, a health hazard or nuisance will not result from the modification or waiver.

- Variance used to address novel concepts or items outside of these rules.
- Waiver used to give additional time to establishments who need to upgrade facilities to new standards.
- Similar to Food Establishment regulations, the owner needs to clearly state the idea/problem, the code section(s) in question, a viable solution, and a time frame for correction (if applicable).
- Each case is unique. A written agreement setting limits and time frames must be completed.

310:285-3-4. Light

Lighting shall be provided to promote cleanliness and safety.

- (1) Each lodging unit shall maintain at least one lighting fixture which will provide at least fifty (50) foot-candles of light measured at thirty (30) inches above the floor.
- (2) At least fifty (50) foot-candles of light measured at thirty (30) inches above the floor shall be provided in each area used for preparing food, at ice machines, and in each kitchenette.
- (3) At least twenty (20) foot-candles of light at a distance of thirty (30) inches from the floor shall be provided in each laundromat area for guest use, toilet room, bathroom, continental food service areas,

in ware washing areas, in laundry rooms, and in each other area during cleaning.

(4) At least fifteen (15) foot-candles of light shall be provided in any living or sleeping area.

- Created a measurable lighting requirement.

310:285-3-5. Safety

(b) **Smoke detectors.** Each guest room shall be equipped with at least one working smoke detector, clearly audible over background noise, and maintained free of foreign matter that could impair its proper function.

Electronic smoke detectors shall be tested and approved annually by a sprinkler company, fire alarm company, fire department representative, or other entity. Record of the most recent test shall be made available to the regulatory authority upon request

(1) All battery operated smoke detectors shall be checked each time the room is cleaned.

(2) If the smoke detector is not working properly, the room shall be closed until the smoke detector can be repaired to working order.

(3) Facilities constructed after the effective date of these regulations shall have electronically operated smoke detectors

- Room closure requirement for non-working smoke detectors.
- Electronic smoke detectors for new construction.

(c) **Carbon monoxide detectors.** Carbon monoxide detectors shall be required in each guest room which has a gas appliance inside it.

- New safety requirement. Only in rooms with gas heat or stove.

310:285-3-9. Vermin control

Effective methods of vermin control shall be provided for all buildings and appurtenances thereto. Premises shall be kept free of conditions conducive to harborage and infestation at all times. Guest rooms found to have evidence of or live rodents, cockroaches, bed bugs, or other vermin in type and number to cause a public health nuisance shall be closed to the public immediately and until the presence or infestation is eliminated. Measures to control such infestations shall be implemented and documented. Such documentation shall be maintained for a period of one year.

- Process to standardize the treatment of vermin. Record retention required as inspector visits are typically bi-annual.

310:285-3-12. Sewage

All sewage shall be disposed of by a public sewage system or by a sewage disposal system maintained in compliance with the standards and rules and regulations adopted by the Oklahoma Department of Environmental Quality.

- The Oklahoma Department of Environmental Quality (DEQ) is the regulatory authority for sewage systems.

310:285-3-12.1. In-room spas

A hot tub or spa located in a guest room shall be drained, cleaned, and sanitized according to the manufacturer's recommendations for public use between each room occupant, and monitored for sanitation at least weekly when offered for use. Indoor, single room hot tubs or spas shall be in an enclosed area constructed such that no person, other than the occupants of that room, can access the tub or spa for use.

- Process to ensure the "in-room spa" does not become a public bathing place.

310:285-3-13. Water

Potable water shall be obtained from an approved source that is:

- (1) A public water system, or
- (2) A nonpublic water system that is constructed, maintained, and operated according to law.

- DEQ is the regulatory authority for water systems.

310:285-5-2. Laundry

(a) **Physical arrangement.** Those lodging establishments electing to provide their own laundry shall comply with the following provisions:

(5) Every room with laundry facilities shall have a dedicated handwashing sink available at all times. The sink shall be equipped with:

- (A) Handwashing soap,
- (B) Disposable paper towels,

- (C) Hot and cold running water,
- (D) A sign reminding employees to wash hands before returning to work.
- (6) Shelving shall have a smooth, easily cleanable, and non-absorbent finish. When existing shelving is replaced, it may be replaced with the same material as long as it is sealed to create a smooth cleanable finish.
- **Equipped hand-sink required in all laundry rooms.**

310:285-5-4. Guest rooms

(c) Service.

- (1) Bar soap and other individually packaged used personal hygiene items left by departing guests shall not be reused for customer service. Used hygiene items can be donated to non-profit shelters, Food Banks, or other similar establishments.
- (2) All sheets, pillow cases, and towels shall be changed after each occupancy
 - **Allows for donation of used hygiene items.**

310:285-5-5. Storage, cleaning, and bactericidal treatment of utensils

(a) Multi-use utensils.

- (1) All multi-use utensils shall be removed from the room after each occupancy for cleaning and sanitizing.
- (2) All multi-use utensils shall be in good condition.
- (3) All multi-use utensils shall be stored at least six inches above floor level in a clean and dry location which is protected from splash, dust, and other contamination.
- (4) A room separate from the laundry shall be provided for washing, rinsing and sanitizing multi-use utensils.

(b) Manual cleaning and sanitizing. Multi-use equipment and utensils shall be washed in a 3-compartment sink, with soap and hot water of at least 110°F, rinsed in clear water, sanitized with a chlorine sanitizer of 50-100 ppm, or any other sanitizer allowed under 40 CFR 180.940 and then allowed to air dry.

(c) Mechanical cleansing and sanitizing. Cleaning and sanitizing may be done by mechanical dishwashing machines provided that:

- (1) The dish temperature reaches ° 160°F during the final rinse; or
- (2) After cleaning and rinsing, the dish is sanitized with chlorine at a concentration of 50 ppm and a water temperature of at least 75°F, or any other sanitizing agent allowed by 40 CFR 180.940; and
- (3) The machine is operated according to the manufacturer's instructions on the data plate
- (4) A test kit, an irreversible registering temperature indicator, or other device that accurately measures the concentration in mg/L of sanitizing solutions shall be provided.

- **Similar requirements to the Food Establishment regulations.**
- **Dishes must be washed, rinsed, and sanitized.**

310:285-5-6.1. Food service

(a) Food service, if provided, shall be limited under a lodging license. The products shall be from an approved source and limited to the following:

- (1) Coffee;
- (2) Tea;
- (3) Commercially processed fruit juices;
- (4) Carbonated beverages. Beverage dispensers may be used if the source of ice for the dispenser is automatic dispensing;
- (5) Fresh, washed, uncut fruits, or fruits that are processed in a regulated establishment;
- (6) Baked goods;
- (7) Cereals;
- (8) Jams, jellies, syrups;
- (9) Pasteurized Grade A milk, Pasteurized Grade A cream, non-dairy creamers;
- (10) Butters, margarines, or products of similar nature;
- (11) Commercially produced hard cheeses, cream cheese, and yogurt;
- (12) Except for (9), (13), and (14) of this subsection, Time/Temperature Control for Safety foods commercially packaged in individual servings;
- (13) Bulk or individual waffle mixes from a commercial producer that is regulated by a food regulatory agency. Prepared mixes shall be discarded after the food service has ended.

- (14) Gravy in bulk form from a commercial producer that is regulated by a food regulatory agency. Prepared gravy shall be heated to 135°F or above prior to service and discarded after the food service has ended; and
- (15) Left over, non-packaged food items from the continental breakfast shall not be reused for customer service.
- (b) Equipment required to conduct food service under a lodging license shall consist of at least the following:
- (1) A three (3) compartment warewashing sink or commercial dish washing machine dedicated solely to the cleaning of utensils and equipment used in the food service operation or the multiuse utensils supplied to guest rooms.
 - (A) The warewashing sink shall not be used for handwashing.
 - (B) Sink compartments shall have smooth rounded corners and be large enough to permit the accommodation of the equipment and utensils.
 - (C) Each compartment of the sink shall be supplied with hot and cold potable running water.
 - (D) Warewashing facilities shall not be located in laundry areas, living, or tenant quarters.
 - (2) Test strips to measure sanitization;
 - (3) A handwashing sink, supplied with hot and cold running water, separate from the three (3) compartment sink in the food preparation area that shall be used for no other purpose;
 - (4) Commercial refrigeration that is capable of holding 41°F or less;
 - (5) Thermometers for all refrigerators used to store Time/Temperature Control for Safety Foods;
 - (6) Sneeze guards and covers for self-service foods that are not wrapped or protected; and
 - (7) Calibrated, probe type thermometer.
- (c) Milk, milk products, prepared waffle mixes, and juices removed from the original container for dispensing or consumption shall be discarded after the food service has ended. Milk, milk products, and other Time/Temperature Control for Safety Foods may be held above 41°F but less than 70°F for no more than six (6) hours and then discarded or discarded at the end of four (4) hours if the temperature exceeds 70°F. The food shall have an initial temperature of 5°C (41°F) or less when removed from cold holding temperature control.
- (d) All food and food contact surfaces shall be stored at least six inches above floor level in a clean and dry location so that it is protected from splash, dust and other contamination.
- (e) Lodging establishments may offer prepackaged food or beverage for sale in guest rooms or at the check in area using a cabinet, refrigerator, freezer, or mini-bar.
- (f) Lodging establishments providing any food service in excess of this section must obtain a food service license from the Department and shall comply with the requirements of OAC 310:257, Food Establishments.
- (g) All food shall be from sources approved by law.
- Similar requirements to the Food Establishment regulations.
 - Does not allow for carry over of waffle mix, gravy, or opened products to the next day.
 - 3-compartment sink or commercial dishwasher required.
 - A separate hand sink required.
 - Removes requirement for additional food license for limited commercial prepackage sales. Food license only required if food sales exceed this section (i.e. Hotel/Restaurant or Bar combination).

310:285-5-7. Employees

- (a) No person known or suspected of being infected with a disease in a communicable form, or who is a carrier of organisms that cause such a disease or while affected with a boil, an infected wound, or an acute respiratory infection, shall work in a lodging establishment in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces with pathogenic organisms or transmitting disease to other persons. Such areas include but are not limited to the food service area, guest rooms, laundry room, and the rooms in which multi-use utensils are cleaned, sanitized and stored.
- (b) Clean outer garments shall be worn and good personal hygiene shall be practiced by all employees.
- (c) Whenever the responsible person knows or suspects that a guest room has been occupied by a person with a reportable infectious illness, the guest room shall be thoroughly cleaned and sanitized, including fumigation, as needed, depending on the suspected or known pathogen.
- (d) Food employees shall wash their hands and any exposed portions of their arms, as described in OAC 310:285-5-12 of this Chapter, before handling clean utensils or dishware, ice, beverages, food, or clean laundry.
- (e) Food employees shall not use bare hands to handle ready-to-eat foods, except as where provided in OAC 310:285-5-8 (d) in this Chapter.
- (f) Single use gloves shall be available for food employees, housekeeping, and laundry staff and provided in the food, laundry, and housekeeping areas. Single use gloves shall be used for only one task, such as handling ready-to-eat food,

used for no other purpose, and discarded when damaged, soiled, contaminated, or when interruptions occur in the operation.

(g) Employee personal items shall not be stored with food, equipment or utensils, or bedding items.

- Similar requirements for employees in Food Establishment regulations.
- Clean clothing, stay home when sick, wash hands, have gloves, wear gloves unless a Bare Hand Contact plan has been approved, and store personal items properly.

310:285-5-8. Preventing contamination from hands

(a) Employees shall wash their hands as specified under OAC 310:285-5-12.

(b) Except when washing fruits and vegetables or as specified in (d) of this section, food employees may not contact exposed, ready-to-eat food with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment.

(c) Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat food form.

(d) Food employees may contact exposed, ready-to-eat food with their bare hands if:

- (1) The permit holder obtains prior approval from the regulatory authority;
- (2) A written employee health policy that details how the establishment complies with OAC 310:285- 5-9, OAC 310:285-5-10, and OAC 310:285-5-11 including:

(A) Documentation that employees acknowledge that they are informed to report information about their health and activities as they relate to gastrointestinal symptoms and diseases that are transmittable through food as specified under OAC 310:285-5-9(a),

(B) Documentation that employees acknowledge their responsibilities as specified under OAC 310:285-5-9(e), and

(C) Documentation that the person in charge acknowledges the responsibilities as specified under OAC 310:285-5-9(b), (c) and (d), and OAC 310:285-5-10, and OAC 310:285-5-11;

(3) Documentation that employees acknowledge that they have received training in:

(A) The risks of contacting the specific ready-to-eat foods with bare hands,

(B) Proper handwashing as specified under OAC 310:285-5-12,

(C) When to wash their hands as specified under OAC 310:285-5-13,

(D) Where to wash their hands as specified under OAC 310:285-5-14,

(E) Proper fingernail maintenance as specified under OAC 310:285-5-15,

(F) Prohibition of jewelry as specified under OAC 310:285-5-16, and

(G) Good hygienic practices as specified under OAC 310:285-5-17 and OAC 310:285-5-18;

(4) Documentation that employees contacting ready-to-eat foods with bare hands use two or more of the following control measures to provide additional safeguards to hazards associated with bare hand contact:

(A) Double handwashing,

(B) Nail brushes,

(C) A hand antiseptic after handwashing, or

(D) Other control measures approved by the Department; and

(5) Documentation that corrective action is taken when (d)(1) - (5) of this section are not followed.

- Similar requirements for employees in Food Establishment regulations.
- Provisions for a Bare Hand Contact plan.

310:285-5-9. Reporting responsibility of license holder, person in charge, and employees

(a) The license holder shall require food employees to report to the person in charge information about their health and activities as they relate to diseases that are transmissible through food. A food employee shall report the information in a manner that allows the person in charge to reduce the risk of foodborne disease transmission, including providing necessary additional information, such as the date of onset of symptoms and an illness, or of a diagnosis without symptoms, if the food employee:

(1) Has any of the following symptoms:

(A) Vomiting,

(B) Diarrhea,

(C) Jaundice,

(D) Sore throat with fever, or

(E) A lesion containing pus such as a boil or infected wound that is open or draining and is:

- (i) On the hands or wrists, unless an impermeable cover such as a finger cot or stall protects the lesion and a single-use glove is worn over the impermeable cover,
 - (ii) On exposed portions of the arms, unless the lesion is protected by an impermeable cover, or
 - (iii) On other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage;
- (2) Has an illness diagnosed by a health practitioner due to:
 - (A) Norovirus,
 - (B) Hepatitis A virus,
 - (C) Shigella spp.,
 - (D) Shiga Toxin-Producing Escherichia Coli,
 - (E) Typhoid fever (caused by Salmonella Typhi) or
 - (F) Salmonella (nontyphoidal);
- (3) Had Typhoid fever, diagnosed by a health practitioner, within the past 3 (three) months, without having received antibiotic therapy, as determined by a health practitioner;
- (4) Has been exposed to, or is the suspected source of, a confirmed disease outbreak, because the food employee consumed or prepared food implicated in the outbreak, or consumed food at an event prepared by a person who is infected or ill with:
 - (A) Norovirus within the past 48 (forty-eight) hours of the last exposure,
 - (B) Shiga Toxin-Producing Escherichia Coli or Shigella spp. within the past 3 (three) days of the last exposure,
 - (C) Typhoid fever within the past 14 (fourteen) days of the last exposure, or
 - (D) Hepatitis A virus within the past 30 (thirty) days of the last exposure; or reportable history of exposure.
- (5) Has been exposed by attending or working in a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual who works or attends a setting where there is a confirmed disease outbreak, or living in the same household as, and has knowledge about, an individual diagnosed with an illness caused by:
 - (A) Norovirus within the past 48 (forty-eight) hours of the last exposure,
 - (B) Shiga Toxin-Producing Escherichia Coli or Shigella spp. within the past 3 (three) days of the last exposure,
 - (C) Typhoid fever (caused by Salmonella Typhi) within the past 14 (fourteen) days of the last exposure, or
 - (D) Hepatitis A virus within the past 30 (thirty) days of the last exposure.
- (b) The person in charge shall notify the regulatory authority when a food employee is:
 - (1) Jaundiced; or
 - (2) Diagnosed with an illness due to a pathogen as specified under (a)(2)(A) - (F) of this section.
- (c) The person in charge shall ensure that a food employee who exhibits or reports a symptom, or who reports a diagnosed illness or a history of exposure as specified under (a)(1) - (5) of this section is:
 - (1) Excluded as specified under OAC 310:285-5-11(a) - (c), and in compliance with the provisions specified under OAC 310:285-5-11(a) - (h); or
 - (2) Restricted as specified under OAC 310:285-5-10(d), (e), (f), (h), (i) and in compliance with the provisions specified under OAC 310:285-5-11(d) - (i).
- (d) A food employee shall report to the person in charge the information as specified under (a) of this section.
- (e) A food employee shall:
 - (1) Comply with an exclusion as specified under OAC 310:285-5-10(a) - (c) and with the provisions specified under OAC 310:285-5-11(a) - (h); or
 - (2) Comply with a restriction as specified under OAC 310:285-5-10(d), (e), (f), (g), (h), or (i) and comply with the provisions specified under OAC 310:285-5-11(d) - (i).
 - Similar requirements for employees in Food Establishment regulations.
 - See chart at bottom of this document or Appendix in the rules.

310:285-5-10. Food employee exclusions and restrictions

(a) The person in charge shall exclude or restrict a food employee from an establishment in accordance with the following:

- (1) Except when the symptom is from a noninfectious condition, exclude an employee if the employee is:
 - (A) Symptomatic with vomiting or diarrhea; or
 - (B) Symptomatic with vomiting or diarrhea and diagnosed with an infection from Norovirus, Shigella spp., Salmonella (nontyphoidal), or Shiga Toxin-Producing Escherichia Coli.
- (2) Exclude an employee who is:
 - (A) Jaundiced and the onset of jaundice occurred within the last 7 (seven) calendar days, unless the

employee provides to the person in charge written medical documentation from a health practitioner specifying that the jaundice is not caused by hepatitis A virus or other fecal-orally transmitted infection;

(B) Diagnosed with an infection from hepatitis A virus within 14 (fourteen) calendar days from the onset of any illness symptoms, or within 7 (seven) calendar days of the onset of jaundice; or

(C) Diagnosed with an infection from hepatitis A virus without developing symptoms.

(b) Exclude an employee who is diagnosed with Typhoid fever, or reports having had Typhoid fever within the past 3 (three) months as specified under OAC 310:285-5-9(a)(3).

(c) If an employee is diagnosed with an infection from Norovirus and is asymptomatic, restrict the employee.

(d) If an employee is diagnosed with an infection from Shigella spp. and is asymptomatic, restrict the employee.

(e) If an employee is diagnosed with an infection from Shiga Toxin-Producing Escherichia Coli, and is asymptomatic, restrict the employee.

(f) If an employee is diagnosed with an infection from Salmonella (nontyphoidal) and is asymptomatic, restrict the employee.

(g) If an employee is ill with symptoms of acute onset of sore throat with fever, restrict the employee.

(h) If an employee is infected with a skin lesion containing pus such as a boil or infected wound that is open or draining and not properly covered as specified under OAC 310:285-5-9(a)(1)(E), restrict the employee.

- Similar requirements for employees in Food Establishment regulations.
- See chart at bottom of this document or Appendix in the rules.

310:285-5-11. Removal, adjustment, or retention of exclusions and restrictions for food employees

(a) The person in charge shall adhere to the following conditions when removing, adjusting, or retaining the exclusion or restriction of an employee:

Except when an employee is diagnosed with Typhoid fever or an infection from hepatitis A virus:

(1) Reinstate an employee who was excluded as specified under OAC 310:285-5-10(a)(1) if the employee:

(A) Is asymptomatic for at least 24 (twenty-four) hours; or

(B) Provides to the person in charge written medical documentation from a health practitioner that states the symptom is from a noninfectious condition.

(2) If an employee was diagnosed with an infection from Norovirus and excluded as specified under OAC 310:285-5-10(a)(2), restrict the employee, who is asymptomatic for at least 24 (twenty four) hours, until the conditions for reinstatement as specified under (d)(1) or (d)(2) of this section are met; or

(3) If an employee was diagnosed with an infection from Shigella spp. and excluded as specified under OAC 310:285-5-10(a)(2), adjusting exclusion for food employee who was symptomatic and is now asymptomatic. Restrict the food employee, who is asymptomatic for at least twenty four (24) hours and works in a food service establishment not serving a highly susceptible population, until the conditions for reinstatement as specified in (a)(5)(A) or (a)(5)(B) of this Section are met; or

(4) If an employee was diagnosed with an infection from Shiga Toxin-Producing Escherichia Coli and excluded as specified under OAC 310:285-5-10(a)(2), restrict the employee, who is asymptomatic for at least 24 (twenty four) hours, until the conditions for reinstatement as specified under (f)(1) or (f)(2) of this section are met; or

(5) If an employee was diagnosed with an infection from Salmonella (nontyphoidal) and excluded as specified under OAC 310:285-5-10(a)(2):

(A) Restrict the employee, who is asymptomatic for at least 30 (thirty) days until conditions for reinstatement as specified under (g)(1) or (g)(2) of this section are met; or

(B) Retain the exclusion for the employee who is symptomatic, until conditions for reinstatement as specified under Paragraphs (g)(1) or (g)(2) of this section are met.

(b) Reinstate an employee who was excluded as specified under OAC 310:285-5-10(b) if the person in charge obtains approval from the Department and one of the following conditions is met:

(1) The employee has been jaundiced for more than 7 (seven) calendar days;

(2) The employee has been symptomatic with symptoms other than jaundice for more than 14 (fourteen) calendar days; or

(3) The employee provides to the person in charge written medical documentation from a health practitioner stating that the employee is free of a hepatitis A virus infection.

(c) Reinstate an employee who was excluded as specified under OAC 310:285-5-10(c) if:

(1) The person in charge obtains approval from the Department; and

(2) The employee provides to the person in charge written medical documentation from a health practitioner that states the employee is free from Typhoid fever.

- (d) Reinstate an employee who was excluded as specified under OAC 310:285-5-10(a)(2), who was restricted under OAC 310:285-5-10(d) if the person in charge obtains approval from the Department and one of the following conditions is met:
- (1) The excluded or restricted employee provides to the person in charge written medical documentation from a health practitioner stating that the employee is free of a Norovirus infection;
 - (2) The employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than 48 (forty-eight) hours have passed since the employee became asymptomatic; or
 - (3) The employee was excluded or restricted and did not develop symptoms and more than 48 (forty-eight) hours have passed since the employee was diagnosed.
- (e) Reinstate an employee who was excluded as specified under OAC 310:285-5-10(a)(2) or (e) or who was restricted under OAC 310:285-5-10(e) if the person in charge obtains approval from the Department and one of the following conditions is met:
- (1) The excluded or restricted employee provides to the person in charge written medical documentation from a health practitioner stating that the employee is free of a *Shigella* spp. infection based on test results showing 2 (two) consecutive negative stool specimen cultures that are taken:
 - (A) Not earlier than 48 (forty-eight) hours after discontinuance of antibiotics, and
 - (B) At least 24 (twenty-four) hours apart;
 - (2) The employee was excluded or restricted after symptoms of vomiting or diarrhea resolved, and more than 7 (seven) calendar days have passed since the food employee became asymptomatic; or
 - (3) The employee was excluded or restricted and did not develop symptoms and more than 7 (seven) calendar days have passed since the food employee was diagnosed.
- (f) Reinstate an employee who was excluded or restricted as specified under OAC 310:285-5-10(a)(2) or who was restricted under OAC 310:285-5-10(f) if the person in charge obtains approval from the Department and one of the following conditions is met:
- (1) The excluded or restricted employee provides to the person in charge written medical documentation from a health practitioner stating that the employee is free of an infection from Shiga Toxin-Producing *Escherichia Coli* based on test results that show 2 (two) consecutive negative stool specimen cultures that are taken:
 - (A) Not earlier than 48 (forty-eight) hours after discontinuance of antibiotics; and
 - (B) At least 24 (twenty-four) hours apart;
 - (2) The employee was excluded or restricted after symptoms of vomiting or diarrhea resolved and more than 7 (seven) calendar days have passed since the employee became asymptomatic; or
 - (3) The employee was excluded or restricted and did not develop symptoms and more than 7 (seven) days have passed since the employee was diagnosed.
- (g) Reinstate an employee who was excluded as specified under OAC 310:285-5-10(a)(2) or who was restricted as specified under OAC 310:285-5-10(g) if the person in charge obtains approval from the Department and one of the following conditions is met:
- (1) The excluded or restricted employee provides to the person in charge written medical documentation from a health practitioner stating that the employee is free of a *Salmonella* (nontyphoidal) infection based on test results showing 2 (two) consecutive negative stool specimen cultures that are taken;
 - (A) Not earlier than 48 (forty-eight) hours after discontinuance of antibiotics, and
 - (B) At least 24 (twenty-four) hours apart;
 - (2) The employee was restricted after symptoms of vomiting or diarrhea resolved, and more than 30 (thirty) days have passed since the employee became asymptomatic; or
 - (3) The employee was excluded or restricted and did not develop symptoms and more than 30 (thirty) days have passed since the employee was diagnosed.
- (h) Reinstate an employee who was excluded or restricted as specified under OAC 310:285-5-10(h) if the employee provides to the person in charge written medical documentation from a health practitioner stating that the employee meets one of the following conditions:
- (1) Has received antibiotic therapy for *Streptococcus pyogenes* infection for more than 24 (twenty-four) hours;
 - (2) Has at least one negative throat specimen culture for *Streptococcus pyogenes* infection; or
 - (3) Is otherwise determined by a health practitioner to be free of a *Streptococcus pyogenes* infection.
 - (4) Reinstate an employee who was restricted as specified under OAC 310:285-5-10(i) if the skin, infected wound, cut, or pustular boil is properly covered with one of the following:
 - (A) An impermeable cover such as a finger cot or stall and a single-use glove over the impermeable cover if the infected wound or pustular boil is on the hand, finger, or wrist;
 - (B) An impermeable cover on the arm if the infected wound or pustular boil is on the arm; or

(C) A dry, durable, tight-fitting bandage if the infected wound or pustular boil is on another part of the body.

- Similar requirements for employees in Food Establishment regulations.
- See chart at bottom of this document or Appendix in the rules.

310:285-5-12. Cleaning procedure

(a) Employees shall clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands or arms for at least 20 (twenty) seconds, using a cleaning compound in a properly equipped handwashing sink.

(b) Employees shall use the following cleaning procedure in the order stated to clean their hands and exposed portions of their arms, including surrogate prosthetic devices for hands and arms:

- (1) Rinse under clean, running warm water;
- (2) Apply an amount of cleaning compound recommended by the cleaning compound manufacturer;
- (3) Rub together vigorously for at least 10 to 15 seconds while:
 - (A) Paying particular attention to removing soil from underneath the fingernails during the cleaning procedure, and
 - (B) Creating friction on the surfaces of the hands and arms or surrogate prosthetic devices for hands and arms, finger tips, and areas between the fingers;
- (4) Thoroughly rinse under clean, running warm water; and
- (5) Immediately follow the cleaning procedure with thorough drying using a disposable paper towel.

(c) To avoid recontamination of their hands or surrogate prosthetic devices, employees may use disposable paper towels or similar clean barriers when touching surfaces such as manually operated faucet handles on a handwashing sink or the handle of a restroom door.

- Similar requirements in Food Establishment regulations.
- Details how to properly wash hands.

310:285-5-13. When to wash

Employees shall clean their hands and exposed portions of their arms immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single use articles and:

- (1) After touching bare human body parts other than clean hands and clean, exposed portions of arms;
- (2) After using the toilet room;
- (3) After caring for or handling service animals or aquatic animals;
- (4) Except as specified in OAC 310:285-5-17(b), after coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking;
- (5) After handling soiled equipment and utensils;
- (6) During food preparation, as often as necessary to remove soil and contamination and to prevent cross contamination when changing tasks;
- (7) Before donning gloves to initiate a task that involves working with food; and
- (8) After engaging in other activities that contaminate the hands.

- Similar requirements in Food Establishment regulations.
- Details when to wash hands.

310:285-5-14. Where to wash

Employees shall clean their hands in a handwashing sink and shall not clean their hands in a sink used for food preparation or warewashing, or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.

- Similar requirements in Food Establishment regulations.
- Details where to wash hands.

310:285-5-15. Maintenance

(a) Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.

(b) Unless wearing intact gloves in good repair, an employee may not wear fingernail polish or artificial fingernails when working with exposed food.

- Similar requirements in Food Establishment regulations.
- Keep nails trimmed and in good condition.

310:285-5-16. Prohibition

Except for a plain ring such as a wedding band, while preparing food, an employee may not wear jewelry including medical information jewelry on their arms and hands.

- Similar requirements in Food Establishment regulations.
- Limit jewelry.

310:285-5-17. Eating, drinking, or using tobacco

(a) Except as specified in (b) of this section, an employee shall not eat, drink, or use any form of tobacco, vaping product, or Medical Marijuana in areas where the contamination of exposed food; clean equipment, utensils, and linens; unwrapped single-service and single-use articles; or other items needing protection may result.

(b) An employee may drink from a closed beverage container if the container is handled to prevent contamination of:

- (1) The employee's hands;
- (2) The container; and
- (3) Exposed food; clean equipment, utensils, and linens; and unwrapped single-service and single-use articles.

- Similar requirements in Food Establishment regulations.
- Employees to take breaks in proper locations.

310:285-5-18. Discharges from the eyes, nose, and mouth

Employees experiencing persistent sneezing, coughing, or a runny nose that causes discharges from the eyes, nose, or mouth may not work with exposed food; clean equipment, utensils, and linens; or unwrapped single-service or single-use articles.

- Similar requirements for employees in Food Establishment regulations.
- See chart at bottom of this document or Appendix in the rules.
- Limit or exclude sick employees.

310:285-9-4.1. Waiver

(a) Whenever the Department adopts new rules or amends existing language in this Chapter, the owner of a lodging establishment may request that a waiver be granted on any nonconforming use that may then exist, on or before the effective date of the rule change, at the license holder's place of operation.

(b) Waivers requested pursuant to this Subchapter are subject to approval by the Department. In order to have the waiver approved, a license holder must submit a written application on a form provided by the Department. Any waiver request shall be deemed denied unless the license holder subsequently receives notice of approval from the Department.

(c) Variances are not transferable.

- Allowance for a variance or waiver.

310:285-9-5.1. Plans required

A license applicant or license holder shall submit to the regulatory authority plans and specifications for review and approval before:

- (1) The construction of a new establishment;
- (2) The conversion of an existing structure for use as a lodging establishment;
- (3) The extensive remodel of the food service area of the establishment.

- When plans are needed.

310:285-9-6. Contents of the plans and specifications

The plans and specifications for a lodging establishment shall include the following items if applicable:

- (1) Intended food service menu;
- (2) Anticipated volume of food to be stored, prepared, and sold or served;
- (3) Proposed food preparation equipment types, manufacturer and model numbers;
- (4) Proposed floor plan to include:
 - (A) Food storage, preparation, and service areas;
 - (B) Laundry facilities;
 - (C) Public restrooms; and
 - (D) Ice Machines.

(5) Other information that may be required by the regulatory authority for the proper review of the proposed construction, conversion or modification.

- What is required in the plans.

310:285-9-12. Responsibilities of the license holder

Upon acceptance of the license issued by the Commissioner of Health, in order to retain the license, the license holder shall:

- (1) Post the license in a location of the establishment that is conspicuous to consumers;
- (2) Comply with the provisions of this Chapter including the conditions of any granted waiver;
- (3) Immediately discontinue or limit operations and notify the regulatory authority if an imminent health hazard may exist within the establishment;
- (4) Allow representatives of the Department access to the establishment for the purpose of inspection;
- (5) Comply with directives of the Department including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives issued by the Department in regard to the license holder's establishment or in response to community emergencies;
- (6) Accept notices issued and served by the Department according to law;
- (7) Be subject to the administrative, civil, injunctive, and criminal remedies authorized in law for failure to comply with this Chapter or a directive of the Department, including time frames for corrective actions specified in inspection reports, notices, orders, warnings, and other directives; and
- (8) Submit the annual renewal application and pay all renewal license and late fees.

- Sets responsibilities of the license holder.

310:285-9-23. Ceasing operations and reporting

(a) Except as specified in (b) of this Section, a license holder shall immediately discontinue or limit operations and notify the regulatory authority if an imminent health hazard exists because of an emergency such as a fire, flood, sewage backup, no water in the establishment, insufficient refrigeration and/or hot food storage facilities available, substantial evidence or presence of a large number of insects or evidence of rodents, interruption of safe potable water supply to the establishment, misuse of poisonous or toxic materials, onset of an apparent foodborne illness outbreak, interruption of electrical service for more than 4 hours, severe structural damage in the establishment, an employee working with a Salmonella, Shigella, Shiga toxin producing E. coli or Hepatitis A infection, gross unsanitary occurrence or condition, or other circumstance as determined by the Commissioner of Health, or his designee, that may endanger public health.

(b) A license holder need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.

- Description of Imminent Health Hazard and requirements for ceasing operations if present.

310:285-9-24. Resumption of operations

If operations are discontinued as specified under OAC 310:285-9-23 or otherwise according to law, the license holder shall obtain approval from the regulatory authority before resuming operations.

- When to resume operations.

310:285-9-25. Timely correction

(a) Except as specified in (b) of this Section, a license holder shall correct violations within a time frame, not to exceed 10 calendar days after the inspection.

(b) The license holder shall correct violations which are structural in nature and do not present a potential health hazard, by a date and time agreed to or specified by the regulatory authority but no later than 90 calendar days after the inspection.

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(c) The Department may approve a compliance schedule that extends beyond the time limits specified under (a) of this Section if a written schedule of compliance is submitted by the license holder and no imminent health hazard exists or will result from allowing an extended schedule for compliance.

(d) If corrections are not made according to OAC 310:285-9-25(a), (b) and (c), then the establishment is subject to enforcement action.

- Sets timeframe for corrections.

OAS 310:285	SYMPTOM/SICKNESS	NON- HSP	TO REINSTATE	OAS 310:285
5-10(a)(1)	Vomiting or diarrhea	Exclude	Asymptomatic for at least 24 hrs.; or Dr. note. Approval from OSDH and: The employee has been jaundiced for more than 7 days; or The employee has been symptomatic with symptoms other than jaundice for more than 14 days; or Dr. Note.	5-11(a)(1)
5-10(b)(1)	Onset of jaundice occurred within the last 7 days, no Dr. note			5-11(b)
5-10 (b)(2)	Diagnosed with hepatitis A within 14 days from the onset of symptoms, or within 7 days of jaundice			
5-10(b)(3)	Diagnosed with hepatitis A without developing symptoms			
5-10(c)	Previous illness with Typhoid fever within the past 3 months		Approval from OSDH and: Dr. Note.	5-11(c)
5-10(f)	STEC infection and asymptomatic	Restrict	Approval from OSDH and: The employee provides a Dr. note showing free of STEC infection; or The employee was excluded or restricted after symptoms resolved, and 7+ days have passed since the employee became asymptomatic; or The employee was excluded or restricted, did not develop symptoms, and 7 + days have passed since the employee was diagnosed	5-11(a)(4); 2-5-11(f)
5-10(a)(2); 2-5-10(d)	Infection from Norovirus; Diagnosed with an asymptomatic infection from Norovirus		Approval from OSDH and: The employee provides a Dr. note showing free of Norovirus infection; or The employee was excluded or restricted after symptoms resolved, and 48+ hrs have passed since the employee became asymptomatic; or The employee was excluded or restricted and did not develop symptoms and 48+ hrs have passed since the employee was diagnosed	5-11(a)(2); 5-11(d)
5-10(a)(2); 5-10(e)	Shigella spp. infection and asymptomatic		Approval from OSDH and: The employee provides a Dr. note showing free of Shigella spp. infection; or The employee was excluded or restricted after symptoms resolved, and 7+ days have passed since the employee became asymptomatic; or The employee was excluded or restricted, did not develop symptoms, and 7 + days have passed since the employee was diagnosed	5-11(a)(3); 5-11(e)
5-10(h)	Symptomatic with sore throat with fever		The employee provides a Dr. note showing: Has received antibiotic therapy for Streptococcus pyogenes infection for 24+ hrs; or Has at least 1 negative throat culture for Streptococcus pyogenes infection; or Is determined by Dr. to be free of a Streptococcus pyogenes infection	5-11(h)
5-10(f)	Symptomatic with uncovered infected wound or pustular boil	Restrict	If the infected wound is properly covered by impermeable cover and single use glove if necessary.	5-11(i)